Advertiſement.

THis Excellent Treatiſe having been perus'd by ſome Ingenious and Judicious Perſons, and being very Scarce, the Reprinting of it was by them judg'd very ſeaſonable and neceſſary, for promoting a true Chriſtian Moderation, (which was the Reverend Author's deſign then) which 'tis hop'd will be eaſily obtain'd now in this happy Conjuncture, under the Auſpicious Government of their Moſt Chriſtian and Proteſtant Majeſties *William* and *Mary* our Moſt Gracious King and Queen.

THE *Reverend Author having in his Epiſtle Dedicatory to the Lords and Commons theſe words:* [*I am alſo ſure that there is nothing contain'd therein,* (viz, *in the following Papers*) *which is contrary to the Known Laws of the Land*] *will 'tis hop'd be admitted as a fair Apology for the Reprinting of it.*

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THE CASE OF PROTESTANTS IN ENGLAND UNDER A Popiſh Prince:

Wherein is Demonſtrated,

The *Reaſonableneſs* of the late VOTE OF THE

Great Convention,

VIZ.

That it is Inconſiſtent with the Safety *of this Kingdom to have a* Popiſh KING *Reign over them.*

By the late Reverend and Learned
DAVID CLARKSON, ſometimes
Fellow of *Clare-Hall* in *Cambridge*.

London, Printed, and are to be Sold by *Richard Janeway* in *Queens-head-alley* in *Pater-noſter-Row*, 1689.

THE CASE OF PROTESTANTS IN ENGLAND UNDER A Popish Prince;

The CASE *of* PROTESTANTS *in* England, *&c.*

A PRINCE putting Himſelf and his Dominions under the Popes Authority, and admitting (as he muſt unavoidably) the Laws and Decrees of the *Romiſh* Church; all his Proteſtant Subjects, being by the Judgment and ſentence of that Church *Hereticks*, do forthwith lye under the penalties which thoſe Laws and Conſtitutions will have inflicted upon *Hereticks*. And theſe are the ſevereſt penalties, being proportioned to the crime which that Church judgeth moſt hainous; for Hereſie is Treaſon with them, and the higheſt degree of High Treaſon, for it is (ſay they) *Crimen læſæ Majeſtatis divinæ*, Treaſon againſt the Divine Majeſty, and ſo, much worſe than Treaſon againſt any Prince on earth; and upon this ground they commonly juſtifie all ſeverities decreed againſt *Hereticks*. Not to mention particular Doctors, *Innocent* (a) the Third thus argues in a ſpecial inſtance, *This puniſhment is juſtly inflicted upon Hereticks, becauſe it is ſo in caſe of civil Treaſon, which is a ſmaller fault than Treaſon againſt the Divine Majeſty.* And

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By the Law of their Church, *Sic omnes Apoſtolicæ ſedis ſanctiones accipiendæ ſunt tanquam ipſius divini Petri voce firmatæ ſint*, Diſtinct. 19. Cap. 2. *All the Conſtitutions of the* Roman *See muſt be received, as if they were made firm by St.* Peters *own mouth.* And it is enacted by a general Decree (*Generali Decreto conſtituimus*), *That whatſoever King, Biſhop, or Noble-man, ſhall believe that the Decrees of the* Roman *Biſhops may be, or ſhall ſuffer them to be violated in any thing, be accurſed,* (execrandum Anathema ſit) *and ſhall for ever remain guilty before* God, *as a betrayer of the Catholick Faith.* Cauſ. 25. q. 1. cap. 11.

(a) *Caput, Vergentis, de Hæreticis.*

there is an Edict of (b) *Frederick* confirmed and made a Church-Constitution by several Popes, particularly by *Innocent 4th*, wherein what is enacted against Traytors, is declared to fall upon Hereticks *multo fortiùs juſtiuſque*, with much more force and juſtice. So that the Papal authority being introduced among Proteſtants, they are forthwith *Traytors by law*, and ſtand in no better terms, than the worſt of Traytors, and are expoſed to the penalties which the higheſt Treaſon is judged worthy of. Let me inſtance in two or three particulars briefly; for I muſt but point at the miſeries of Proteſtants in ſuch a ſtate, not give a full proſpect of them.

Infamy is one of them (that I may begin with the leaſt). Hereticks are infamous by Law (c), *It is certain* (ſaith (d) *Suarez*) *that Hereticks both by common and civil Law are infamous*, for which he alledged ſeveral Texts of the Popes Law, and extends it to the *favourers* of Hereticks, if they repent not within a year; and to their Children for ſome generations, if their Parents dyed pertinacious.

It is many penalties in one, including ſeveral things grievous and intolerable to all ſorts (e); for upon this account, thoſe whom they count Hereticks, are deprived of all Nobility, Juriſdiction, and Dignity; and debarr'd from all Offices, Benefices, and publick Councils; they are uncapable of chuſing, or of being choſen to them, (ſo that it reacheth all ſorts), Clergy, Laity, Noble and Ignoble, (as the ſame Author tells us). And they fall under all this immediately, *ipſo facto*, as ſoon as they are Hereticks, before any ſentence Declaratory of their crime; ſo *in a manner all the* (f) *Doctors conclude*, *In quo Authores ferè conveniunt*, proving it from the very words of the Law aforementioned.

Let me mention ſome of the particulars comprized in this Legal Infamy: Proteſtants are hereby excluded from all publick Councils, and ſo from Parliaments; being uncapable of either chuſing,

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(b) 7 *Decretal. Lib.* 5. *Tit.* 3. *de Hæreticis.*
(c) *Caput Infames* 6. *q.* 1. *cap. alieni.* 2. *q.* 7.
Cap. *Excommunicamus* 1. *Sect. credentes. de Hæreticis.*
Cap. *Statum. de hæret. in* 6.
(d) *De Fide. Diſp.* 21. *Sect.* 5. *N.* 3.
(e) *Suarez* ibid. *Diana. Sum. v. hæret. n.* 9. *Pet. St. Joſeph in* 1. *Decan. p.* 39. *Tho. Sanchez. op. Moral. Lib.* 2. *n.* 12.
(f) *Suarez.* ibid. *Num.* 4.

or

or being choſen thereto. This is the Decree of a *General* (g) *Council*, beſides ſeveral Conſtitutions for it in the *Canon-Law*. So that all the Lords and Commons in *England* would be by Law (while they are Proteſtants) debarred from having any place in Parliament, and all the Freeholders from chuſing any; and that by a Law paramount to any Civil Law, or National Conſtitution: and this alone would be enough to ruine and enſlave this, or any people whoſe Liberty depends upon Parliaments. They are excluded from all Dignities, this is Eſſential to the penalty; for it is a (*h*) Rule in their Law, *Infamibus Portæ non pateant dignitati*; particularly Noblemen are degraded from their Nobility, and deprived of all Honours (*i*), this by the ſame Law: and it is extended to their Children by many of their (*k*) Authors, who ſay expreſly, that the *Iſſue of Traytors, Civil or Spiritual, loſe their Nobility*, both that which they had by Priviledge, and that which comes by deſcent from their Anceſtors.

They are deprived not only of all Eccleſiaſtical Benefices, but of all Secular Offices, which is expreſſed in the Law forequoted; Particularly it is decreed (*l*) that *Hereticks be not admitted into any publick Office, or Benefice; but if they be, it is null and void.* Nor can they Exerciſe any Juriſdiction, either Spiritual or Civil, as their (*m*) Authors commonly determine: and upon this account they conclude all our Judges, Juſtices and Magiſtrates, that are Proteſtants, to be incompetent, ſuch as have no more Juriſdiction than the Bench they ſit on, and think not themſelves at all obliged to anſwer them; or if they condeſcend to give them an anſwer, yet not to ſpeak the truth before them, although they be ſworn to it.

In ſhort, all that owe any duty to Hereticks are diſcharged from the obligation, and exempted from paying any. In their Canon Law

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(g) *Con. Lateran. ſub Innocent. 3. in Crab. Tom. 2. Concil. p. 948.*

(h) *Regul. Juris 87. in 6.*

(i) *De hæreticis cap. ut Commiſſ. in 6.*

(k) *Faber Teraquillus, Cantera, Otalora in Sanchez. ibid. l. 2. c. 29. n. 1.*

(l) Cap. 2. *Sect. Hæretic. de hæreticis in 6.*

(m) *Aquinas, Soto, Caſtor, Azor, Simanca, & Suarez, ibid. Diſp. 21. ſect. 5. num. 12.* By the Conſtitution of *Gregory 9*, an Heretick is deprived of all Juriſdiction, whether Natural, Civil, or Politick. *Simanca* Inſtit. tit. 46. ſect. 74. *Juxta Conſtitutiones Gregorii 9, &c.*

it

it is decreed (n) that all *who are bound to Hereticks by any obligation, whether of Oath, or Fealty, or Service, or any other Agreement, or promiſe, are freed therefrom.* Subjects owe no Allegiance to their Prince, nay they may lawfully kill them, as their Authors commonly conclude. Servants owe Maſters no Faithfulneſs, no ſervice; though they be ſlaves, and purchaſed with their money, yet they are diſcharged; and if they diſcover their Maſter's Hereſie, and ſo ſeek to take away his life, though they be not Chriſtians, it's reaſon (they hold) that they have abſolute freedom; when none but Chriſtian ſlaves may have it, ſave upon ſuch a treacherous (o) account. Parents loſe authority over their Children, ſo their Law (p) will have it: and Children owe no duty to ſuch Parents, only they are bound under mortal ſin to denounce them, that is, to diſcover their Hereſie; which is the way to deprive their Parents of their lives. And they give this reaſon for it, becauſe *it is lawful for a Child to kill his Father, if he be an enemy to the Common-wealth; and therefore he may much more lawfully in this caſe* deal thus with his Father, that is, betray him to death. This is an *act worthy of honour and praiſe*, as is proved by the Conſtitutions of ſeveral Popes, and ſo many other (q) Writers, that it may paſs for their common Doctrine; nor can they be ſecured from ſuffering for their Parents Hereſie, without detecting them, as * *Innocent 4th* decrees.

We ſee a little to what condition the admiſſion of the Papal authority would reduce us; it would expel nature and humanity, and make the deareſt Relatives unnatural and barbarous to one another; it would leave no Proteſtant either Dignity or Authority, either Safety or Liberty; by theſe Laws (which muſt then be ours) our Nobles are ſentenced to be Peaſants, and Peaſants muſt be no better than ſlaves.

Secondly, Another penalty to which Hereticks are condemned by their Laws, is *Confiſcation of all their Eſtates or Goods.* And this they incur, *Ipſo jure, & ipſo facto*, that is immediately, as ſoon as

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(n) *Cap. Final. de Hæretecis.*

(o) *Azor. Inſtit. Moral. Tom. 1. l. 8. c. 12. q 7. Penna, Molina & Sanchez. Ibid c 24. n, 10, 11.*

(p) *Cap. 2. ſect. final. de Hæreticis in 6.*

(q) *Bonacina de obligatione denunciandi.* Diſp. 4. p. 2. n. 3. *Ita Farinacius, Azorius & alii ferè communiter. Id ex aliis Sum. Pontificum Conſtitutionibus probat* Penna. Ibid.

* 7 *Decret. de hæretic. c. 3.*

they

they ſhew themſelves Hereticks, *before the ſentence of any Judg.* There is an expreſs Decree (r) for this in the Canon Law, *Bona Hæreticorum ipſo jure decernimus confiſcata*, We decree that the Goods of Hereticks are confiſcated by ſentence of Law. In this *the Gloſs, and all the Doctors who write of* (ſ) *Hereticks do agree*; and upon this reaſon among others, becauſe *Humane Laws puniſh Treaſon againſt men, and ſometimes leſſer crimes*, with confiſcation of Goods; *therefore much more muſt Treaſon againſt the Divine Majeſty*, which is committed by Hereſie, be thus puniſhed. And this reaſon is aſſigned not only in the Text of the Canon Law now mentioned, but alſo in other Texts, particularly *Innocent* (t) the Third thereby proves, that Hereticks Goods are confiſcated, becauſe this is decreed againſt Civil Treaſon, *which is much leſs than that againſt the Divine Majeſty*.

By vertue of this Confiſcation, Hereticks, as ſoon as ever they diſcover it, are deprived of all Propriety and Title to their Eſtates, before any ſentence paſſed againſt them. *Suarez* (u) ſaith, This is the *Common Doctrine*. *Sanchez* (x) muſters up multitudes of Doctors for it: and * *Corduba* tells us, that all their Doctors in a manner, both Canoniſts and Divines maintain it.

But though they generally agree that Proteſtants by Law have loſt all propriety, and have no title at all to any eſtate; yet there is ſome difference among them about the poſſeſſion of what is thus confiſcated. For many of them hold, that Hereticks before any Sentence, are bound in Conſcience to quit the poſſeſſion of all they have, and ſin damnably if they do not; eſpecially if their hereſie be publick and notorious, as it is in all profeſſed Proteſtants: and their reaſons are good enough, if the principles upon which they proceed were ſo. For the Sentence which ſome count pre-requiſite, is not pretended to be *damnatory*, to condemn to the puniſhment, for that is already done by Law; but only (as all agree) *declarative* of the crime, that the crime may be evident, and who are guilty of it; which is needleſs when it is evident and notorious before.

(r) Cap. *Cum ſecundum leges, de hæreticis in 6.*

(ſ) *Suarez. Ibid. Diſp.* 22. *Sect.* 1. *N.* 2.

(t) Cap. *Vergentes, verſ. cum enim. de Hæreticis. Cum longè ſit gravius, æternam quàm temporalem lædere Majeſtatem.*

(u) *Ibid. ſect.* 3. *n.* 1.

(x) *Ibid. cap.* 22. *n.* 2. * *Quæſt. Theol. lib.* 2. *q.* 36. *p.* 290.

Others

Others of them teach that Hereticks may keep poſſeſſion, and are not to be deprived of it, before the ſentence declarative of the crime. But though this latter ſeem more favourable, yet it is of little or no advantage to Proteſtants, ſince thoſe that have a mind to their forfeited eſtates, may ſoon procure ſuch a Sentence; for an ordinary Biſhop, or other Eccleſiaſtical perſon may paſs it, as the Law it (y) ſelf declares. For example: *Corker* the *Benedictine*, lately arraigned, was ordered by the Pope to be Biſhop of *London*; if their Plot had ſo far ſucceeded, that the Popes Orders had taken place, he might in his Spiritual Court have declared all the known Proteſtants in *London*, and his whole Dioceſs to be Hereticks; which done, all the Nobles, Citizens and others in his Dioceſs, might have been turned immediately out of poſſeſſion, and ſtript of all they had; and this by Law. The effects of this Confiſcation, wherein they all agree, make the ſeverity of the Law apparent; and the forbearance of ſeizure before ſentence of little conſideration, if they thought themſelves obliged not to ſeize ſuch Eſtates before.

Firſt, All the profits made of the Eſtate from the firſt day of their guilt are to be refunded, if they be extant and found among their (z) Goods, *Formally*, or but ſo much as *equivalently*; nay, ſome (a) will have them reſponſible for the mean profits, though they be conſumed or ſpent, if ſo be they knew themſelves to be obnoxious, when they ſpent them: or being ſpent, if the Eſtate be any thing *better* on that account, they are ſtill looked on as being extant, and the eſtate ſtill lyable: and it is counted *better*, if the party be (b) Richer, *If he therewith bought any thing elſe, or made uſe thereof to pay his Debts, or bought but neceſſaries to live on, and thereby ſpared his other Revenues.*

Secondly, All Alienations by Gift, Sale, or otherwiſe, before Sentence, are null and void; and all Contracts for that purpoſe reſcinded; in this, *Suarez* ſaith, *all their Writers agree* (c) *unanimouſly*; and the Exchequer of the Pope or Popiſh Prince will re-

(y) *De Hæreticis.* Cap. *cum ſecundum Legis, in 6.*
(z) *Suarez, De Fide. Diſp.* 22. *ſect.* 4 *n.* 11. *Sanchez ubi ſupra, c.* 21. *n. ult.*
(a) *Simancha. Vaſquez in Suarez, Ibid. n* 11, 12.
(b) *Idem ibid. ſect.* 4. *n.* 9.
(c) *Ibid. ſect.* 1. *num.* 5. *In hoc effectu concors eſt ſententia omnium ſcribentium.*

cover

cover all that hath been ſo diſpoſed of by the Hereticks to others where ever they be, or in whoſe poſſeſſion ſoever they be found, or through how many hands ſoever they have paſſed; this is the Doctrine *Univerſally embraced by all their Doctors of Law, and all their Divines*, ſo underſtanding the Text of their Law, as (*d*) *Sanchez* tells us. Nay it is a ſin (*e*) for him to ſell any part of his Goods or Eſtate, without diſcovering to the Purchaſer his hazard, in buying what is by Law confiſcated. And in this caſe the Purchaſe will be forced from him without reſtoring the price he paid for it, unleſs it be found among the Hereticks Goods, for which the ſame *Jeſuit* alledgeth above Thirty (*f*) Doctors. Nor are thoſe to whom the Eſtate is Eſcheated any way obliged, to pay any of the Hereticks Debts (*g*), which were contracted ſince his Hereſie, and ſo his Creditors (not excepting *Roman* Catholicks) may be lawfully ruined, as well as himſelf.

Thirdly, The Children and Heirs of Hereticks are deprived of their Portions. And though this ſeem hard in their own apprehenſions, that they ſhould be ruined and reduced to poverty for their Parents fault; yet what they ſuffer is not to be conſidered, becauſe the Child is not here puniſhed by or in himſelf, but by accident, and in another. And this is all the ſatisfaction the beſt of them give in this pitiful caſe, *Suarez. ibid.* Nor will their Law admit that any Commiſeration of the Innocent ſhould be any impediment to the ſeverity of the Execution; but provides againſt it in theſe words, *Neither ſhall this ſevere Cenſure, for the diſinheriting of Orthodox Children be any way hindred, by the pretence of compaſſion; ſince in many caſes by Divine Judgment, the Children are temporally puniſhed for their Fathers; and according to Canonical Sanctions, vengeance may be ſometimes taken, not only upon the Authors of wickedneſs*, but their poſterity, *Cap. vergentis, Tit. de Hareticis.*

But what if the Children to whom the Eſtate is left, be *Roman* Catholicks, are they to be thruſt from an Eſtate left them by their Heretical Parents? This ſeems impolitick, ſince hereby no hopes are left to any for ſecuring their Eſtates by turning Papiſts; and not

(d) *Ibid. Lib.* 22. *Num.* 33.
(e) *Idem. ibid. n.* 61.
(f) *Ibid. n.* 68.
(g) *Ibid. n.* 76.

only ſo, but they confeſs it ſeems to be againſt Piety, and in the 4th Synod of *Toledo* there is a limitation for the ſecurity of ſuch Innocents; but by the Canon Law in after-times that Limitation was exploded, and the Catholick Deſcendents of Hereticks excluded from having any advantage (*h*) by their confiſcated Eſtates. This is expreſſed in the *Text* of their Law, and more fully in an Original Epiſtle of Pope *Innocent* the Third. *Suarez ibid. pag.* 775.

But ſuppoſe the Poſterity of a Proteſtant or his Children, being ſtill Papiſts, have continued in the poſſeſſion of the Eſtates ſo left them for many years together (Forty or an hundred years), will not this create them a title? ſince Preſcription may do it where there is no other right, and is allowed ſo to do both by *Civil* and *Canon* Law; and an hundred years is confeſſed to be ſufficient for Preſcription (*i*) againſt the *Roman* Church in other caſes?

No, an hundred years will not ſuffice in this caſe, if the Poſſeſſors, or their Fathers knew that he who left them the Eſtate was an Heretick, and if he was at any time ſuſpected to be ſo while he lived; or if he was reputed a Catholick all his days; yet if any time within 40 years after his deceaſe, it appears he was an Heretick, there is no place left for Preſcription: but then they will have the Eſtate ſeiſed, in whoſe hands ſoever it be found, and the (*k*) Poſſeſſors thruſt out, though they be *Roman* Catholicks.

Hereby it appears, that as ſoon as the Papacy is admitted, all Title and Property is loſt and extinct among us by the Law which will then be in force, unleſs in thoſe few Families who never had a Proteſtant Proprietor; nor are they ſecure as to any part of their eſtate, which ever belonged to Hereticks: And therefore we muſt not think his Holineſs acted extravagantly, when he declared *all his Majeſties Territories to be his own as forfeited to the Holy See for the Hereſie of Prince and People:* for herein he proceeded regularly, and according to that which they eſteem the beſt Law in the World. Not only Abbey Lands are in danger, who ever poſſeſs them, but all Eſtates are forfeited to his Exchequer, and legally confiſcated: All is his own which Proteſtants in theſe Three Nations have, or ever had, if he can but meet with a Prince ſo wiſe, as to help him to catch it.

(h) Cap. *Vergentis. de Hæreticis.*
(i) *Menochius & alii in Diana. Sum. V. Præſcrip. N.* 2.
(k) *Sanchez. L.* 2. *c.* 22. *n.* 41.

Thus

Thus we ſee the proceſs of their Law againſt Proteſtants muſt not end with their Lives, but follow them many years beyond Death and the Grave; and ruine their Children, and Childrens Children, when they are gone: And when they have left a Heretick nothing of his own to ſubſiſt on, it is provided alſo that he ſhall have no Relief from others: for this is part of his Penalty (*l*), that *none ſhall receive him into their houſes, nor afford him any help, nor ſhew him any favour, nor give him any counſel.*

We in *England* are zealous for Property, and all the reaſon in the world we ſhould be; but we muſt bid adieu to this when we once come under the Popes Authority; for as ſoon as this is admitted, *all the Proteſtants in theſe Nations are Beggars by Law*, by the Laws of that Church (which will then be ours), diveſting us of all Propriety and Title to what ever we count our own.

Thirdly, The laſt *Penalty* I ſhall inſiſt on, which their Law will have inflicted on Hereticks, is Death.

This is the Sentence of the *Canon Law*. *Hereticks* (m) *are to be delivered to the Secular Power to undergo due puniſhment*, and that is Death, as appear by many *Papal Bulls* approving and receiving the Civil Laws, which have adjudged Hereticks to death: For though thoſe Laws were Originally intended, againſt ſuch only which were Hereticks indeed: yet ſince the *Roman* Church will have all Proteſtants to be Hereticks, they muſt ſuffer Death by vertue thereof, how far ſoever they be from Hereſie.

And the *Canon Law* further determines, that Secular Judges cannot remit the Penalty, as appears by the Text, Cap. *ut Officium*, and is more fully explained in the *Bull* of *Urban* the *4th*, and in another of *Innocent 4th*. Hereupon (*n*) *Zanardus* takes it for granted, *that all Laws will have every Heretick put to Death*; and their Angelical Doctor (*o*) is poſitive, *that Hereticks, though they do not pervert others, may be juſtly killed by Secular Judges, and bereaved of all they have, rather than ſuch as are guilty of High-Treaſon.*

If there were need to cite particular Doctors, *Suarez* aſſures us,

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(l) *Zanardus, Director. pars* 2. *p. pag.* 126.

(m) Cap. *ad abolendum. de Hæreticis. Vide Suarez ubi ſupra. Diſſ.* 23. *ſect.* 2. *n.* 1. & 3.

(n) *Direct. pars* 2*da.* 2*da. pag.* 754.

(o) 2. 2*dæ. Q.* 10. *Art.* 8 *Corp.*

that it is the judgment of all their Doctors, *Ita docent omnes Doctores.* But there is a Constitution of *Paul* (p) 4th, which may serve instead of all; where to shew how impartial their Decrees are in this case, Having declared that with the unanimous consent of the Cardinals, all Pœnal Acts, Canons, Constitutions against Hereticks, made by any Popes, Councils, or others, are by Apostolical Authority renewed and inforced; he specifies persons of greatest Eminency in Church and State, *viz.* Earls, Barons, Marquesses, Dukes, Kings, Emperors, *&c.* and will have all these punishments inflicted on them, if they are, or shall hereafter be Hereticks. Particularly it is decreed, that *they are therefore deprived wholly and perpetually of their Baronies, Marquesats, Dukedoms, Kingdoms, Empires, and rendered uncapable hereof, so as they shall never be restored.* And to make sure work, all of them, Kings and Emperours among the rest, *shall be put to death* (q). Only if they recant, the Holy See may shew them this Clemency, as to thrust them into some Monastery, there to do penance all their days with Bread and Water.

This punishment they extend very far (r), for Death is to be inflicted, not only on the Teachers of what they call Heresie; but on all who believe any Doctrines opposite to what the *Romanists* receive as matters of Faith, though they draw none else thereto; yea on all that believe any one point of such Doctrine, though they renounce all the rest; For they agree, *that one Errour makes a Heretick*, though all besides that one be abjured. And on those also who abjure them all, if they do not likewise discover their Complices; and so betray all the Protestants they know, to Death. For such, though they do profess themselves to be Papists, and conform to them in all things; yet if they discover not others, and expose them to death, *they are judged to be but* (s) *counterfeit Catholicks*, and not worthy to live.

The Death they will have us suffer, is *burning alive*; no Death more tolerable, or of less exquisite torture will satisfie the Mercy

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(p) 7 *Decretal. l.* 5. *tit.* 3. *cap.* 9.

(q) *Sæcularis relinquantur arbitrio potestatis, animadversione debita Puniendi.* Which expression they thus explain, *Debita nimirum secundum jura Civilia quæ est pœna mortis.* So *Suarez* ibid. *Disp.* 23. *Sect.* 2. *N.* 3.

(r) *Idem Ibid. Sect.* 2. *N.* 5. 6.

(s) *Quia est occultator hæreticorum* —— *& ideo meritò judicatur fidè connexus.* Ibid. Sect. 6.

of

of that Church. For though they find no Rule for this in the body of the Civil Law, yet they alledge ſome latter Conſtitutions for it, and particularly that of *Frederick* (which the Popes have made their own Law) in theſe words (t), *Decernimus ut vivi in conſpectu hominum comburantur, We Decree that they ſhall be burned alive in the ſight of the World.* The Holy Canons it is preſumed are for it: The firſt Statute of *Henry 4th* in *England*, for the burning of Hereticks, was Enacted *according to the Holy Canons.* And if they had no other Law for it, yet the Uſe and Cuſtom of their Church hath the force of a Law; and makes it as lawful and neceſſary for them to burn Proteſtants, as it is to burn Faggots when they are cold; and that it is the cuſtom of the Church, they have the teſtimony of all Nations round about us. We need go no further than our Native Countrey, where in the days of the laſt Popiſh Succeſſor it is proved by near 300 Witneſſes, that their Laws will have all ſorts of us burnt alive, without regard of Age, Sex, or Quality. And if we will not be ſatisfied that they may lawfully burn us, Man, Woman and Child, unleſs we have Scripture for it, they have it ready, John 15. 6. *If any one abide not in me, men gather them, and caſt them into the Fire, and they are burned.* Alledged by divers of their prime (u) Authors for this purpoſe; which proves as plainly and infallibly that Proteſtants muſt be burned, as—*Feed my ſheep* proves that the Pope hath power to kill both King and People. The Proceſs againſt Hereticks in the *Inquiſition* is remarkably merciful, for there a Proteſtant ſhall not have the favour to be burnt at firſt (x), and dye once; but muſt ſuffer many Deaths before, by enduring divers tortures more grievous than Death, before he be brought to the Fire. One that hath the ſpirit of a Chriſtian, and reads the account of the Tortures there in uſe, would ſcarce think that any but the Devils could be either the Inventors or Executioners of them. But Pope *Paul* the 4th would better inform him, who aſcribes the ſetling of the Inquiſition in *Spain*, to the *inſpiration of the Holy Ghoſt*; and there is no doubt but his Succeſſors would attribute it to the ſame inſpiration, if they could get it ſetled in *England*. And they are highly con

(t) *De Hereticis. 7 Decretal. Sect. inconſuitilem.*
(u) *Jac. de Graſſ. deciſ. l. 2. cap. 9. n. 2. Suarez ubi ſupra, n. 4.*
(x) *Zanardus, Director. 2da pars. pag. 755.*

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cerned to endeavour it, If they believe the Words of a dying Pope. For (*y*) *Paul* the *4th* in a Speech before his Death (and ſo before his Infallibility expired) declared to the Cardinals, *that the Authority of the* Roman *Church depends only upon the Office of the Inquiſition.* And indeed it is very fit, that ſuch an Authority ſhould have ſuch a foundation. Nor can any queſtion that it is neceſſary and pious to exerciſe all the cruelties of the Inquiſition upon us, without ſhaking the whole foundation of the *Roman* Church, and all the Authority of it.

Hereupon how are we concerned to look about us? We ought to remember (for they are not like to forget it), that as ſoon as ever the Papal Authority is admitted among us, *all the Proteſtants in theſe Nations are dead men in Law*; being under a Law that hath ſentenced us already to be burned alive, and under a power that hath declared it neceſſary that no one of us eſcape with Life.

But they are not yet quite ready for burning us, though they are impatient till they be ſo; and ſhew what deſign they have upon our perſons, by turning our houſes and Goods into flames. For this courſe they think not fit to take, how juſt and pious ſoever they eſteem it, meerly becauſe they cannot, or dare not till they have the Law in their hands, and Power to Murder us by a judicial Proceſs. Where Proteſtants are numerous and potent, the way they then take for diſcharging the obligation that is upon them to deſtroy us, is by treacherous Maſſacres, or open Wars or Aſſaſſinations. They hold it lawful to make War upon Hereticks for their Hereſie. So (*z*) *Bonacina*, *Diana*, *Caſtro*, *Molanus*, and others: but Cardinal *Allen* (*a*) our Countreyman may ſuffice, who aſſerts it to be not only lawful, but neceſſary to take Arms againſt his Prince and People, being Hereticks. *It is clear* (ſaith he) *that what people and perſons ſoever, be declared to be oppoſite to Gods Church, with what obligation ſoever, either of Kindred, Friendſhip, Loyalty, or Subjection, I be bound unto them; I may or rather muſt take Arms againſt them. And then muſt we take them for Hereticks, when our lawful Popes adjudge them ſo to be.*

(*y*) *Onufrius*, *Vita Pauli* 4.

(*z*) *De reſtitut. Diſp.* 2. *q. ult. ſect.* 2. *n.* 7. *Num. V. Bellum. n.* 5. *Theol. Pract. Tr.* 2. *c.* 13. *n.* 3.

(*a*) *Admonition to Nobility and People*, p. 41.

Not

Not only Soveraign Princes and the Pope, but a Biſhop may raiſe War for the Faith, againſt thoſe that are Excommunicate, if they ſubmit not: So *Hoſtienſis*, and others (*b*) after him. They count it a more neceſſary and holy War which is levied for the deſtroying of Hereticks, than the War againſt the *Turks*. Hence Cardinal (*c*) *Pool* in his Addreſs to *Charles* the Fifth, importunes him to turn his Arms againſt the Proteſtants, being more concerned to ruin them than the *Turks*.

They think the deſtroying of Proteſtants by Maſſacres, ſometimes more adviſable, for avoiding the hazards of a War; and theſe how bloody and treacherous ſoever, will be both lawful and meritorious, being for the rooting out of a peſtilent Hereſie, and the promoting of the *Roman* Intereſt. The barbarous *Iriſh* never thought their hands and weapons better imployed than in butchering the Proteſtants: And this not more from the ſavageneſs of their nature, than from the Laws and Doctrines wherein they have ſo much encouragement for ſuch bloodineſs. The leaſt they could expect for it, *was full pardon of all ſin*, ſuch as is promiſed to thoſe who make War againſt the *Turks*, and for the recovery of the Holy Land. For ſeveral Popes had thus rewarded the *Iriſh*, for far leſs bloody Feats than theſe; and thereby teſtified how meritorious it is, to ſhed the blood of *Engliſh* Proteſtants (*d*). *Charles* the Ninth, with the *French* Papiſts, never acted any thing with more ſatisfaction to his Holineſs, than that Tragedy in *Paris*, and other Cities, where ſo many Thouſand *Hugonots* were moſt treacherouſly and inhumanely ſlaughtered. The Pope would not have ſo great delight as he took therein to be tranſient, but that it might afford him a continued entertainment, would have it Painted in his Palace. And for this, Triumphs were made by the Papiſts almoſt every where, as a moſt glorious Action. And that there might be a concurrence of the greateſt impiety, with the greateſt inhumanity, publick thanks

(b) *Vid. Silveſt. V. Bellum.*

(c) *Lib. de unione Eccleſiaſtica ad finem.* And this was he who made it his buſineſs in ſo many Courts to form a League againſt *England* (having renounced the Popes Supremacy); perſwading the Popiſh Princes, that it was more neceſſary and meritorious than a War againſt the *Turks*.

(d) See the *Brieves* of *Greg.* 13. *Anno* 1580. and *Clement* 8. 1600.

muſt be returned to God, in *France* and *Italy*, for the Stabbing, Drowning, Piſtolling, and Cutting the Throats of ſo many Thouſands; inticed thither by the Solemnity of a Marriage, with all the Security that the Promiſe and Oath of a King could give them: But nothing is unlawful that will ruine the Proteſtant Religion.

Only in one thing theſe fell ſhort; for though near Three hundred thouſand were thus Murdered in both Nations, yet they kill'd not all; whereas if they had not ſuffered one Proteſtant in *France* or *Ireland* to eſcape with life, the Catholick deſign had been there perfectly accompliſhed, and the bloody Actors had more highly merited; for that merits moſt, which moſt promotes the Catholick Intereſt, which is moſt promoted when Hereſie and Hereticks are quite extirpated; and ſo to kill all Hereticks, is moſt meritorious.

This was it that our Conſpirators aimed at, they intended to leave no Proteſtants alive; thoſe *that eſcaped the Maſſacre, ſhould have been cut off by their Army* (e). And *Coleman* ſaith, *Their deſign proſpered ſo well, that he doubted not but in a little time, their buſineſs would be managed to the utter ruin of the Proteſtant party*, in his Letter (f) to the *Internuncio*. The effecting of this, with the conſequence of it, was a thing ſo deſirable, ſo meritorious, That *if he had a Sea* (g) *of Blood, and a hundred Lives, he would loſe them all to carry on the deſign; and if to effect this, it were neceſſary to deſtroy an Hundred Heretical Kings, he would do it.* We muſt not imagine that it was a ſin, with this man, to deſtroy an Hundred Kings, and an Hundred Kingdoms too, in ſuch a Cauſe; a Cauſe, no doubt, moſt glorious, and of tranſcendent Merit in their account; when *one man* might without profuſeneſs, be at the expence of *an hundred lives*, and a *Sea of blood*, to promone it. It is true by his expreſſions, he ſeems to be in ſome tranſport, and no wonder when he had ſo fair a Proſpect of *the utter ruin of Proteſtants* by their preſent bloody deſign; and ſpeaks of their ruine as a thing *certain, and not to be doubted of.* Sure this was a ſight ſo fair, ſo tranſporting, as muſt needs ra-

(e) *Dugdales* Depoſition at the Tryal of the Five Jeſuits, *p.* 25.
(f) In *Colemans* Tryal, *p.*78.
(g) *Ibid. pag.* 43 77.

viſh

viſh a good *Roman* Catholick out of his Senſes. But then how ſenſleſs muſt they be, who will not believe our utter ruine was deſigned, when ſuch as beſt knew it, make no doubt, but it would in a little time, be certainly effected? However we cannot think that they who make ſo little of killing an Hundred Kings, when they ſtand in the way of their Catholick deſign, will ſtick at Aſſaſſinating any particular Subjects.

When we hear Papiſts ſay (as divers ſuch ſayings have been of late obſerved) that they would *make no more to kill a Proteſtant Man, or Child, than to kill a Dog* (h,) We look upon them as wild expreſſions, which proceed rather from the wickedneſs of the perſons than of their Principles; whereas indeed they have ground enough from the Writings of their chief Authors. One of their greateſt Divines proving that they may juſtly kill us, being Hereticks, makes uſe of this Argument among others, *Chriſt calls Heretick; Thieves and Robbers; but ſure Thieves and Robbers are worthy of Death; alſo he calls them Ravenous Wolves*, Matth. 7. Luke. 20. *But Wolves are not only to be driven from the Flock, but alſo to be kill'd, if it be poſſible.* So *Suarez* (i) argues, and his Argument ſeems leſs tolerable, than the other Villanous expreſſion, for it ſeems more meritorious to kill a Wolf than a Dog. Cardinal * *Baronius* tells the Pope (though his Holineſs might know ſo evident a truth before) *that Peter had a double Miniſtry, to feed, and to kill*; according to that Text, *Feed my ſheep*: and according to that too, *Kill and eat*: *For*, ſaith he, *when the Pope hath to do with refractory oppoſers, then Peter is commanded to kill, and ſlay, and devour.* Much according to this Cardinals Doctrine is the ſaying of *Singleton* (k) the Prieſt, *That he would make no more to Stab Forty Parliament men, than to eat his Dinner.* And who can diſcern but the Prieſts expreſſion is as agreeable to the Cardinals Comment, as that is to his Text? *Girald* and *Kelly*, the two Prieſts that were chief

(h) *Bradſhaw* in *Frances* Narrative, *page* 28. *Giffard* in Hiſt. Plot. *pag.* 213.
(i) *De Fide. Diſp.* 23. *ſect.* 1. *n.* 3. *Zanard. Ibid. cap.* 7. *pag.* 119.
* *Epiſt. contra Venetos.*
(k) *Frances* Narrative, *pag.* 4.

in the Murder of Sir *Edmondbury Godfrey*, that they might draw Mr. *Prance* into that barbarous action, told him, (l) *That it was no Murder, no Sin* (and *Girald* said, *Nothing was to be made of killing Twenty Hereticks in such a case,*) *that it was an act of Charity, and a meritorious work.* We may easily conceive, how they will have it to be an Act of *Justice*; for they are taught, that the Killing of Hereticks *Justa est quia Vindicativa*; and so withal, how it may be meritorious; every act of vertue being so, by their Doctrine: but how it can be an act of *Charity*, is not so easie to discern. We shall hardly be perswaded, that to kill us, is an act of Charity; but if they will have it so, so it must be. And then who can deny but that Papists are the most Charitable Persons under the Cope of Heaven, since they will not stick to murder Millions of Protestants (all in these Nations) out of meer Catholick Charity? VVhat need they more to stop the mouths of any, that will dare hereafter to accuse their Church as uncharitable? They may have Two Hundred Thousand Arguments from one Topick, the Massacre in *Ireland*, to prove that none ever out of Hell, were more eminent for this vertue, no not the *Assassins* themselves.

The Gunpowder-Traytors were as much for the meritoriousness of Murdering Hereticks. *John Grant* one of the Principal Conspirators, the day he was executed, being advised by a Grave and Learned Person, to repent of that wicked enterprize; He answered, *That he was so far from counting it a sin; that on the contrary he was confident, that Noble design had so much of Merit in it, as would be abundantly enough to make satisfaction for all the Sins of his whole life*, as (m) *Casaubon* assures from good evidence.

O the dreadful power of the Spirit of Delusion, which can perswade a man even when he is dying, that the most horrid and barbarous design that ever the Devils helped any of their Instruments to contrive, is so transcendently both meritorious and satisfactory! yet this is not a private spirit, but that by which the *Roman* Church seems generally inspired. This was but a

(l) *Ibid page* 10.
(m) *Epist. Fran. duc. page* 189.

more

more compendious way, of executing the Laws of their Church againſt Proteſtants. And *Roman* Catholicks are left to deviſe what expedient they can, for the execution of them; when they are not in a capacity of proceeding the ordinary way, by burning us. And that Invention will have moſt of Merit, which is moſt quick and extenſive, and makes an end of moſt at once. The Society is particularly under the Conduct of that Spirit; for the *Provincial Garnet*, *Teſmond*, *Gerard*, and other Jeſuits did teach the Conſpirators this Catholick Doctrine (*n*,) *That the King, Nobility, Clergy and whole Commonalty of the Realm of* England (*Papiſts excepted*) *were Hereticks, and that all Hereticks were accurſed and excommunicate, and that no Heretick could be a King; but that it was lawful and meritorious to kill the King, and all other Hereticks within this Realm of* England; *for the Advancing and enlargement of the Authority and Juriſdiction of the Biſhop of* Rome, *and for the reſtoring of the* Romiſh *Religion.* What? Is it meritorious to kill all in the Realm? Yes, the more the better, the greater the ſacrifice, the greater will the value and merit of it be: They will prove it unanſwerably by an Argument from the leſs to the greater. If it be meritorious to kill one Heretick, it will be as much more meritorious to kill all in a Kingdom; as all in a whole Kingdom are more than one ſingle perſon.

Thus the greater any wickedneſs is, the more powerful Motive their Church hath for its encouragement; The more prodigiouſly bloody and inhumane it is, the more will the Catholick *Merit* of it advance. And the Ground of this is obſervable, they will have it meritorious to Murder this whole Nation, King and People, becauſe *they were Hereticks, and all Hereticks are accurſed and excommunicated.* Now King *James* and the People of theſe Kingdoms were not at this time excommunicate expreſly, nor ſo *denounced*, nor any ſuch ſentence againſt them publiſhed, as the Jeſuits acknowledged; only they were included in the general Excommunication, which is denounced by the Pope againſt all Hereticks every year the week before *Eaſter*. So that all who are in their account Hereticks, but one year, or but one day be-

(n) *Gunpowder-Treaſon.* pag. 74.

fore *Maundy Thursday*, are sufficiently accurſed and excommunicated, to make them liable to be justly killed; and to render any Papist capable of meriting, by doing execution upon them. All the Protestants in these Nations may be meritoriously slaughtered, as soon as ever the Papists have opportunity to do it, without expecting a warrant from any other sentence, or Excommunication, than what we are continually under. This was the Doctrine of our *English* Jesuits, of *Garnet* their *Superiour* particularly, whom the Papists here honoured as a Pope, and paid him the veneration due to his Holiness, by kissing his feet, and reverenced his Judgment as an Oracle; and since his Death he hath the Honours of a Martyr. And if he and his Associates be counted Martyrs, for but designing to destroy the Protestants of these Realms, though they miscarried; what would their Successors be thought worthy of, if they could attempt it successfully, and do effectual Execution? *Garnet* further declared it to be his Judgment, that it was so necessary to have Protestants destroyed; that it would be meritorious to attempt it, even in such a way, as would ruine many Catholicks with them. *Catesby* (with respect to the Powder-Plot, whereby many *Roman* Catholicks, and some of considerable quality, were like to be blown up together with the Protestants) inquires of their Oracle, * *Whether it was lawful to ruine the guilty and the innocent together?* *Garnet* first Answers in a private House, *that it is lawful, if so much advantage can be gained by it, as will countervail the destruction of the Innocent.* Afterwards he tells them in the Fields, *That they may lawfully extinguish the good and bad together, and that it would be an act of great Merit, if it would much promote the Catholick Interest.* Upon this account we see how it might be meritorious to burn *London*, though the Houses and Goods of many Papists were consumed in the Flames; yea, and how the most desperate Villains amongst them might merit Heaven, and expiate all the Crimes of a most flagitious life, if he could but fire the whole Kingdom: provided so many Protestants were thereby ruined, as would countervail the loss of such Catholicks, who could not escape the common Flames.

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* *Casaubon Ibid. p.* 184.

Whereby we ſee their Principles and Actings, both of them are grounded upon their Church-Laws, Sentencing Hereticks to death and ruine. The executing of theſe Laws is the exerciſe of a principal vertue, *an Act of Juſtice*, and is upon this and other accounts eſteemed meritorious. Execution muſt be done one way or other in order to it; they muſt and will do, what our preſent Circumſtances leave feaſible. They cannot now in a Biſhops Court try and condemn us, and then deliver us to the Secular Power to be burnt at a Stake; but they can Stab, or Piſtol, or Poyſon us, or Blow us up; and theſe are Acts of Juſtice upon Malefactors, which their Laws condemn to Death, no leſs vertuous and meritorious than the other; perhaps Heroical in their account, as being of more then an ordinary ſtrain. It is true, they want ſome *formalities* of Law, yet are never the worſe for the want of that, which they cannot poſſibly have. But when once they have ſecured the Throne, we may expect they will proceed againſt us with more obſervance of a Judicial Proceſs, and burn us and our Children with all Punctilio's of Law, as they did under the laſt Popiſh Succeſſor.

But it is not probable that under ſuch a Succeſſor theſe Laws may not be executed.

If there were any probability, that for a while they might not be throughly executed, yet our condition in the interim would ſcarce be tolerable to an *Engliſh*-man; to be deveſted of all ſecurity by Law, for Liberty, Eſtate and Life; and to hold theſe *without*, nay *againſt* Law, only at the will and known mercy of Papiſts; even when they muſt count it a cruelty to themſelves to ſpare us, ſeeing both their Salvation and (which ſeems generally more minded) their Intereſt is concerned in the Execution of theſe Laws. It ſeems highly probable to me that all endeavours will be uſed to have them fully executed; for the deſign of theſe Laws is to deſtroy Proteſtants. And thoſe *Romaniſts* that underſtand their concerns, do make account, that their main intereſt lyes in this; For neither can they recover their former flouriſh and greatneſs, nor can they indeed think themſelves *ſafe*, till this be done,

Accordingly we may obſerve, that in all Countreys round about us, who have been under Popiſh Princes, all attempts have been

been made, and their utmoſt endeavours uſed utterly to root out Proteſtants. And it is meer folly to expect that we ſhould fare better in like circumſtances. Even in *France* the only inſtance alledged, to give any hopes that Proteſtants may ſubſiſt under ſuch a Power, The deſign of theſe Laws was vigorouſly purſued, in all methods of pretended Juſtice, and plain Violence, in the Reigns of *Five Kings ſucceſſively*; by Confiſcations and Plunderings, by Fire and Sword, by Aſſaſſinations, Treacherous Maſſacres, and open War. So that ſome Hundred Thouſands of them were deſtroyed, and in all reaſon none of them had eſcaped, nor any more Hugonots had been left in *France*, than there are in *Spain* and *Italy*; if they had not ſtood upon their Defence, which yet proved a lamentable expedient; for if we will believe Father *Parſons* (o,) two Millions on both ſides were ſlain within the compaſs of Ten years in the Reign of one of thoſe Five Kings.

Thoſe who would have us reduced to ſuch a condition, wherein we cannot otherwiſe be ſecured than the *French* Proteſtants were, would either have us proſtitute our Religion, and all that is dear to us to the will of the Papiſts, or elſe expoſe the Nation to deſolation and ruine.

Our Conſpirators have declared that they had the very ſame deſign which thoſe Gracious Laws engage them in, *viz.* the utter extirpation of Proteſtants and their Religion, and were reſolved and prepared to purſue it with Fire and Sword. Of the former they have given us a real Demonſtration by the Flames we have already ſeen; and of the latter by their Army to be Commanded by Officers of the Popes appointment. They were to begin with Aſſaſſinations, and our Soveraign was to fall with the firſt. In this all that have given any Evidence, exactly agree, and all ſee, but thoſe that will be blind, and would have His Majeſty for company periſh with his eyes ſhut. When they had diſpatched the King, *a Maſſacre was to follow*, as is poſitively Sworn again and again by unexceptionable (p) Witneſs, and this ſignified to be the method adviſed, by the Conſpirators both in *France*, *Flanders*, and *England*; then to make clear work, thoſe

(o) *Mitigation*, *page* 130.
(p) *M. Dugdale* in Tryal of the Five Jeſuits, *page* 25.

Pro-

Proteſtants that eſcaped the Maſſacre, were to be deſtroyed by their Army. *Coleman* at his Tryal would have us believe, that nothing was intended but the advance of Popery, by the Innocent way of Toleration; that is no wonder, for he was then concerned, if ever, to diſguiſe their Deſign. But when he hath to do with thoſe who were conſcious to the Plot, and with pleaſure could ſee the bottom of it; then the Mask is off, then it is in plain terms *the ſubduing of a Peſtilent Hereſie* (for ſo is the true Chriſtian Religion in the *Roman* Stile now-a-days) *and the utter ruine of the Proteſtant party.* To accompliſh ſuch a glorious deſign, there muſt be no ſticking (as was obſerved before) to *kill an Hundred Heretical Kings*, (Alas! one ſingle King was nothing to the Dagger of ſuch a Hero) or to *ſhed a Sea of Blood* (their own he means.) How many Seas of Proteſtant Blood do we think might have ſatisfied ſuch harmleſs Catholicks? not an hundred we may be ſure, if all the Proteſtants in the World could have bled more. But this they were bound in Conſcience to execute the Popes Laws, they were at all points ready to do it, they wanted nothing but only a Catholick Prince in the Throne.

O but the Temper, or at leaſt the Intereſt of ſuch a Prince would oblige him to forbid or reſtrain ſuch violent executions in *England.*

I, but what if his tempter be ſuch as to comply with ſuch violent proceedings; or his temper being better, what if it be overruled? What if he be perſwaded as other Catholicks are, that he muſt in Conſcience proceed thus? What if he cannot do otherwiſe, without apparent hazard of his Crown or Life?

The Contrivement is ſuch, that Execution ſhall be done before he hath got the Reins of Government into his hand; and when he hath them, he is not to hold them alone, he will not be allowed to be much more than the Popes Poſtillion, and muſt look to be diſmounted if he drive not according to order.

Let theſe things be weighed, that we may ſee before it be too late into what circumſtances we are running. If the Prince be Zealous and Reſolute, a *Bigot* in their way; If his heat in embracing Religion at firſt, or promoting it afterward, tranſport him beyond the ſenſe of his Intereſt; If it make him contemn ſuch reaſon, or decline that conſideration that ſhould have withheld

held him from it, or might moderate him in it; If he make it his design, and count it his Glory, to subdue this Religion as a Pestilent Heresie; If he give up himself to the Counsels and Conduct of such, whose words and practices make it evident, that they intend extremities; then there is a violent presumption, that he will not study any abatement of the rigour of these ruining Laws, after once he thinks himself firmly setled.

But if (as I had rather suppose) his inclination should lead him to some Indulgence and forbearance; yet that must be controuled by Conscience, and Conscience must dictate what they suggest, who have the conduct of it; and it will be readily suggested, *that it is a deadly crime to favour Hereticks to the prejudice of the Catholick Interest*, which can never be more effectually advanced than by their ruine. Besides, the *Law* (q) it self assures us, *that it is not in the power of any Civil Magistrate to remit the penalty, or abate the rigour thereof*; and this also is declared by the *Bulls* (r) of several Popes. Nay if the Prince should solemnly engage his Faith, and give as much security as Papists can give by Oath, that he would not suffer Sanguinary Laws to be executed upon his Dissenting Subjects, this would signify nothing: For they would soon let him understand, that *Contracts made against the Canon Law are invalid, though confirmed by Oath*, as *P. a St.* (l) *Joseph.* And *that he is not bound to stand to his promise, for the Liberty of Religion, though he hath sworn to it*, as *Bonacina*; (t) and that Faith is no more to be kept with Hereticks, than the General Council of *Constance* would have it. So that Protestants are to be burnt, as *John Hus* and *Jerom of Prague* were by that Council; though a Prince hath given his Faith and Oath for their safety. The best that is pleaded in defence of that General Council so openly *Canonizing perfidiousness*, leaves Protestants as much exposed, after all the security the Prince can give, as if none at all were given them. The Emperours engagement, say they, *secured them against Secular Process, but not against the Process of the*

(q) Can. *ut officium.*
(r) *Vid. supra.*
(t) *De primo præcepto.* p. 91.
(t) *De primo præcept. Disp.* 3. *q.* 2. *punct.* 8. *prop.* 3. *n.* 159.

Church.

Church. So that the Church may burn us, when the Prince hath engaged all his faith for our ſafety. And to this purpoſe it is obſervable what *Becanus* (*u*) an eminent Jeſuit delivers when he is endeavouring to vindicate their Council. The Council of *Conſtance*, ſaith he, Decreed theſe two things: Firſt, "That the Se-"cular Power can no way hinder the Eccleſiaſtical Power from "its Legal exerciſe, and therefore if any Secular Prince do "give ſafe conduct to any Heretick, this ought not to hinder "the Eccleſiaſtical Judg from exerciſing his Office, that is from "trying an Heretick, and proceeding againſt him according to "evidence. The reaſon is, becauſe when there are two Princes "who have diſtinct Judicatures and Tribunals, one of which is "greater and ſuperiour to the other; the Inferiour may not "hinder the Superiour, from executing his Juriſdictions. And "therefore the ſecurity which he promiſeth to any, extends not "to the Tribunal of the Superiour Prince, becauſe the Superiour "is not bound by the Laws and agreement of the Inferiour, "(*Caput, cum Inferior extra.*) But now the Secular and Eccle-"ſiaſtical Prince have diſtinct Tribunals (as is well known,) and "the Eccleſiaſtical is Superiour (*Cap. Solita:*) Therefore the Se-"cular, when he gives ſafe Conduct to any, he cannot extend it "to the Eccleſiaſtical Tribunal; nor by the ſecurity given, can "hinder the Juriſdiction of the Eccleſiaſtical Judg, *&c.* *Molanus* (*x*) alſo, who undertakes to excuſe this Council, ſaith, It is a General Rule with the Romaniſts, *That Faith is either never to be given, or never to be kept with Hereticks, for the exerciſe of their Religion. Simanca* (*y*) by the Authority of the Council, maintains this worthy principle, *That Faith engaged to Hereticks, though confirmed by Oath, is in no wiſe to be performed.* He would prove it by reaſon: *For* (ſaith he) *if Faith be not to be kept with Tyrants, and Pirates and other Robbers, who kill the body*; *much leſs is it to be kept with Hereticks, who kill Souls*; He confirms it with the Teſtimonies of *Salomonius*, and *Menochius*, *Placa*, &c. and of

(u) *Manual. l. 5. cap. 15. n. 15, 16.*
(x) *De fide. l. 3. c. 27.*
(y) *Catbol. Inſtit. Tit. 45. N. 52.*

their (z) *Angelical Doctor*, the Oracle of their Schools, who ſaith, an *unteachable Heretick is to be betrayed to Juſtice, notwithſtanding Faith and Oath. Becanus* (*a*) to vindicate the Doctrine of *Simanca*, tells us, that they all ſay as much as he hath ſaid. *Simanca teaches the ſame that we teach*, viz. *That Faith is to be kept with Hereticks in what is lawful and honeſt: but in no caſe otherwiſe*, and ſo never in caſe of Hereſie. So that the Faith of any Prince however engaged, is ſo far from giving an Heretick any ſecurity; as Hereſie is far from being a thing lawful and honeſt. Upon theſe principles (by which it appears that *Rome* hath changed *Faith* with *Carthage*, that being now worſe than *Fides Punica*; and is when ſhe would be counted *Chriſtian*, far more Faithleſs than when *Pagan*) their Doctors, Jeſuits, and others, have inſtigated Kings to endeavour ſeriouſly the rooting out of Hereticks; Aſſerting, *that an Oath in favour of Hereticks*, is but *Vinculum iniquitatis*. In Fine, This is the ſenſe of their beſt Authors, and we muſt believe it to be ſo, unleſs we will be deluded. By their Laws and Principles they are always under an Obligation utterly to exterminate Proteſtants; yet ſometimes they are concerned in point of Intereſt, to forbear and diſſemble; Pretending to engage their Faith when they do it not in the ſenſe of thoſe who relye on it, as the Council of *Conſtance* deluded *Jerome* of *Prague*, that they might (as they did) burn him: or engaging their Faith when they intend not to keep it, as our Queen *Mary*, *Charles* the 9*th* of *France*, and other Popiſh Princes, abuſed the Proteſtants to make them ſecure, that they might have the better advantage to ruine them; and then that they may ſeem real, they may promiſe or ſwear that they will not proceed againſt us; yet notwithſtanding when they have an opportunity to deſtroy us, though they were bound by Ten thouſand Oaths not to attempt it; yet they *Sin damnably* if they endeavour it not to the utmoſt.

(z) *Sum. 2 da 2 dæ, Q. 70. Art. 1.*
(*a*) *Manual. l. 5. c. 15, n. 25.*

But

But if there were neither *Law* nor *Conſcience* to hinder, yet in point of Intereſt, he muſt not ſhew favour to Hereticks, nor grant any Indulgence for their Religion, he cannot do it without apparent hazard both of *Crown* and *Life*. For by ſhewing ſuch favour, he in their account depoſeth himſelf, and immediately loſeth title to his Kingdoms.

An Emperour or a King, ſaith *Parſons* (b,) *if he ſhew favour to an Heretick, for that he loſeth his Kingdom.* The Jeſuits have ſufficient grounds for this Doctrine, how extravagant ſoever it ſeems. For the Council of *Lateran*, which *Bellarmine* calls their *greateſt and moſt Famous Council*, decreeth (c,) that if *a Prince upon a years warning, doth not exterminate Hereticks; his Subjects are diſcharged from Allegiance, and his Dominions are to be ſeized on by other Catholicks*: He thereby draws upon himſelf the Curſe and Excommunication of the Church, he is excommunicate *by Law*, that Council hath paſſed Sentence already, and he is *de facto* Anathematized yearly by the *Bull of the Supper*; the former is *Excommunicatio Juris*, by the Law: and this is *Excommunicatio Hominis*, by the Judg, as ſeveral of their (d) Doctors will have it. So that it takes effect preſently, *Ipſo Facto*, and is of no leſs force than if the perſon concerned were Excommunicated particularly, and by name, though the terms be general.

The Pope every year doth ſolemnly Excommunicate and Curſe, not only all Hereticks, but every *Favourer* and *Defender* of them, and from this Sentence, none can Abſolve any but the Pope himſelf, for it is a reſerved caſe; and they generally declare him to be a *Favourer* of Hereticks, who hinders the execution of the Laws made againſt them. Conformably hereto their Do-

(b) *Philopat. p.* 109.
(c) Cap. *Excommunicamus, de Hæreticis Sect. monentur.*
(d) *Graff. deciſ. l.* 4. *c.* 11. *n.* 6. *Becanus de Fide. c.* 15. *q.* 8. *n.* 6. *Soto* 4. *Diſtinct.* 25. *Q.* 1. *Art.* 1. Citing two Texts of their Law for it. *Cap. Sicut de Hæreticis, & Cap. ſiquis forte.* 24. *Q.* 1.

ctors teach, that *Kings and Princes when they are negligent, in rooting out Hereticks; they are to be Excommunicated, and depoſed by the Pope.* So *Becanus* (*e*). Another as I find him (*f*) cited, ſets it out more elegantly in a Metaphor, making Princes to be the Popes, their Shepherds Dogs (as they are wont to do out of great reverence) and expreſſeth himſelf ſignificantly to this purpoſe. *If a Prince be a dull Cur, and fly not upon Hereticks, he is to be beaten out, and a Keener Dog muſt be got in his ſtead.* Others (*g*) tell us, *he incurrs more grievous penalties than Excommunication, as appears by the Breves of ſeveral Popes*; though to be deprived of Kingdom and Life, to which this Sentence makes a Prince lyable, one would think ſufficiently grievous. But there is no need to cite particular Doctors, ſeeing by the Decrees (*h*) of that Church the *Fautors of Hereticks*, are lyable to the penalties which are to be inflicted on Hereticks themſelves: and their Church-Law (*i*) determines again and again, that they are to be taken for *Fautors of Hereticks, who omit what they ought to do, for the puniſhing of Hereticks, that they may ceaſe from their errour:* And in this they all agree, *Ita docent omnes*, ſaith *Suarez* (*k*.) Sure he muſt have more Love for Proteſtants, than any true Papiſt can have, who will run ſuch hazards, to ſhew them Favour.

He muſt expect alſo to be burdened with the Hatred of Zealous Chatholicks, and the effects thereof. They deteſt ſuch a Prince, and damn that Political Prudence, which forbears the ſevere execution of the Laws againſt Hereticks; as being the way *not only to ruine the Church, but ſubvert a Kingdom* (*l*.) They count none worthy the Crown, who will not go through ſtitch with their deſign, for extirpating Hereticks, and promo-

(*e*) *Controverſ. Anglican. p.* 131, 132.
(*f*) *In Foulis. pag.* 60.
(*g*) *Zanard. Direct. Pars.* 2. *pag.* 61.
(*h*) *Cap. Excommunicamus, de Hæreticis.*
(*i*) Cap. Error 83. *Diſtinct. &. cap. Qui alios, de Hæreticis.*
(*k*) *De Fide. Diſp.* 24. *Sect.* 1. *N.* 6.
(*l*) *Ribadeneira de Principe*, l. 1. *cap* 15.

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ting the *Roman* Intereſt with Fire and ſword. Nay they count ſuch, though they be Papiſts, as *bad as Hereticks*, worſe than *Turks*, and unworthy to live; they will have a price ſet on their Heads, and Aſſaſſinates hired to rid the World of them. So Doctor *Stapleton*, (*m*) counted one of their greateſt and moſt ſober Divines. And theſe are not only Points for Speculation, they have been reduced to practice among thoſe who have the repute of the moſt moderate Papiſts in *Europe*. *Henry* 3*d*. and 4*th*, two Kings of *France* were Aſſaſſinated on this account. A ſuſpicion that they favoured Proteſtants, was the great inducement to Zealous Catholicks to get them ſtab'd. The two Kings ſince indeed have eſcaped better; no wonder, for they never provoked the *Catholick Aſſaſſinating Spirit*: They have given ſufficient demonſtration that they hate the Proteſtants; for though they kill them not out-right, yet have they reduced them to ſuch Circumſtances, that their Mortal Enemies may to their ſatisfaction, ſee them dye a Lingering Death.

And which more concerns us, the Conſpirators in all places having declared expreſly, that if *RO. H.* do not anſwer their expectation, for rooting out of the Proteſtant Religion, and Extirpating thoſe that profeſs it: Their deſign (*n*) is to deſtroy him after they have killed his Brother. So that whatſoever reſpect they have for him on the account of his Religion, yet after they have ſerved their turn on him a while; he muſt expect nothing but Death, unleſs he will give aſſurance that he will ruine the Proteſtants of theſe Nations.

Hereby we may judge, what favour we may in reaſon promiſe our ſelves, from the Temper or Intereſt of a Popiſh Succeſſor.

(m) *Orat. contra Politicos*, *p.* 15. & 24. in *Hoſpin. Hiſtor. Jeſuit. l.* 4. *c.* 1: *ſect.* 2.

(n) Dr. *Oats* Narrative, *pag.* 4. *n.* 5. *p.* 3. *n.* 4. *p.* 8. *n.* 13 *p.* 10. *n.* 16. *p.* 15. *n.* 13. *p.* 19. *n.* 29. *p.* 39. *p.* 64. *n.* 6.

But may not Parliaments ſecure us by Laws and Proviſions reſtraining the Powers which endanger us?

There is nothing of this tendency can in reaſon be expected from Parliaments, *without ſecuring the Throne*. For if the Conſpirators once gain that, it may be they will have no Parliaments; A Government more Arbitrary and Violent is more agreeable to their Principles and Deſigns. It is apparent that *Popery*, as it hath been by many occaſions *ſublimated* ſince the Reformation, hath in a manner quite ſtifled the *Engliſh Spirit* in *Engliſh* Papiſts. They are for another Government, in which the *Pope* muſt be Supreme, and to which our Kings muſt be *ſubjected* or *kill'd*. And in Civils, they are for an *Univerſal Monarchy*, by which this and others muſt be ſwallowed up; and ſo they are ſtill ready to devote themſelves to that Prince who bids faireſt for it. So they did to the *Spaniard* in Queen *Elizabeths* time, and now upon that account are wheeled off to the *French*: They have been forward upon all occaſions, to Sacrifice the Honour of the King, and the Liberty of the Subject to the *Roman Moloch*; they are much more his Subjects than the Kings; and they are no more to be truſted as to the true *Engliſh Intereſt*, than the *Italians* or *Spaniards*. They paſs for *Natives* indeed, being born among us; but are plainly *Foreigners* as to Government, Principle, Intereſt, Affection and Deſign. We may well believe on theſe accounts they are no Friends to Parliaments, if they did not otherwiſe openly declare it.

But if the neceſſity of their affairs ſhould require a Parliament, there is no great queſtion but they may get ſuch a one as will ſerve their turn: For ſo hath every of our former *Princes* in all the *changes of Religion* that have been amongſt us. So did *Henry* the *8th*, both when he was for Popery; and when he was againſt it, and when he was partly both for it, and againſt it. So did *Edward* the *6th*. when he was wholly Proteſtant. So did Queen *Mary*, when ſhe was for burning them alive. So did Queen *Elizabeth*, when ſhe run Counter to her Siſter. There are *Engliſh*-Papiſts enough already to furniſh both Houſes; and there will be more, if Popery were once enthron'd. The ſtrongeſt Arguments which divers have for their Religion, are drawn from

from the Throne. The indifferency which is visible in too many, signifies that they will be determined by their interest, and their Estates are like to out-weigh their Religion.

The warping of divers upon advancement, and acting Counter to themselves when lower; shews, there is something higher in their hearts, then that which should be Supreme. The little concern they shew for Religion, who in regard of their Station in the Church, should have the greatest Zeal for it, disappointing and astonishing those who esteemed them Protestants, and great supports of that Profession.

The little sense of any danger (when our Religion was never in such extreme hazard, since we and our Fathers were born,) the obstructing in one or both Houses, of all that is offered to secure us, or hath the most probable tendency to it, by those from whom it was least expected. Those greater heats against true Protestants (differing from us in some small things,) than against Papists; when represented by this horrid Plot in their own Colours, shews, that Popery is no such formidable thing to many, now under another profession; as it is, and will be to Hearty protestants, and such as have effectually *received the Love of the Truth*. However by the Laws which will be in force, when the Throne is Papal; All Protestants must be excluded from both Houses. For all these must then pass under the notion of Hereticks, and as such, not only by the Constitutions of several Popes, but by the Decree (o) of a General Council, received as obliging in Popish Countreys; they are *made uncapable of being admitted to any publick Counsels, or of chusing any to sit there*. This is but a branch, of one of the last Penalties we must then lye under; and thus all hopes of any Relief by *Parliaments*, under such a Successor, are quite blasted.

As for Laws such as are, or may be made before-hand for restraining Popery, and securing our Religion under a Popish

(o) Cap. *Excommunicamus Sect. credentes. Tit. de hæreticis.*

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Soveraignty; they will then be judged Nullities, for they are no Laws which are againſt the common good; but theſe will be counted miſchievous Acts, of a pernicious nature and tendency; being for the ſupport of Hereſie, againſt their Catholick Intereſt. They will be null and void alſo, without any formal repeal, upon another account, *viz.* becauſe Enacted by an *incompetent Authority*: For our Parliaments are now, and have been long Conſtituted of ſuch as they count Hereticks; and theſe by the Decrees and Principles of their Church have *no* (p) *Juriſdiction* at all, much leſs that which is Soveraign and *Legiſlative*. They have no right to proceed in Judgment upon Laws duly made, ſo far are they from all juſt Power to make any. And whereas no Laws can be made in theſe Realms without the concurrence of every of the Three States in Parliaments, they will not own any of them to be in a capacity to concur therein.

The King being an Heretick, is with them *no King*, he is deveſted of all Prerogatives and Royalties; hath no power to call Parliaments, or paſs any Bills there tendred; He is no better with them then a private perſon, nay in a worſe capacity than a good Subject; for by their Principles he may lawfully be killed by a private hand.

The *Nobles* being Hereticks, their Blood is tainted by the higheſt Treaſon, the Attainder good in Law, (that Law which will then be of moſt Soveraign Obligation;) they have loſt all Priviledge of *Peers*, they have no Titles to *Baronies*, no rights to be Summoned by *Writ*, if there were any that had right to Summon them. They have forfeited what they had by *Deſcent*, though from Popiſh Anceſtors; and what they had by *Patent*, is null and void. Since our Princes were Proteſtants, they are no more *Lords*, in the ſenſe of the *Romiſh Laws*, nor have more Right to ſit as Peers in making Laws, than Laws of *Jack Straws* creating.

(p) *Juxta conſtitutiones* Greg. 9. *Hæreticus privatur omni Dominio naturali, civili, politico.* Simanca Inſtit. Cathol. Tit. 46. N. 74.

This

This is manifeſt by the firſt *Penaltie* forementioned, and awarded againſt Hereticks by the Laws of the *Roman* Church; which takes effect from the firſt day of their ſuppoſed Hereſie, before Sentence of any Judge.

The *Commons* being Hereticks are no Proprietors, and ſo have no Power, no Priviledge due to the Commons of *England*, they are born to no Eſtates, if they be the Iſſue of Proteſtants; The Eſtates of their Fathers being confiſcated before they were born, and ſo is all they have acquired ſince by Purchaſe, or otherwiſe. So that they have no Right to be choſen, nor have Proteſtants any Right to chuſe them, being no Freeholders, nor having title to any Goods or Lands, by any Tenure whatſoever. In ſhort, By the Judgment and Sentence of their Church, all Ranks among us are in a State of *Uſurpation*, we have no right to Eſtate or Life (as we are like to find when they have power;) much leſs any Authority to make Laws: What our Parliaments have enacted, or may do, for the ſecuring of our Religion, or Reſtraint of Catholicks; is no more valid, no more obliging with them, than the Acts or Ordinances of meer Uſurpers, nor do they owe, nor will they pay them more obſervance (when time ſerves) than to the Conſtitutions of ſo many Thieves and Robbers.

But ſuppoſe our Laws were valid, and Enacted by a competent Authority, yet being againſt the Laws of the Church, the Soveraign Authority of theſe will ſuperſede the other: For ſo they determine, that when the *Canon* and the *Civil* Laws cloſh, one requiring what the other allows not; the Church-Law muſt have obſervance, and that of the State be neglected. Their Law [q] provides

(q) *Conſtitutiones contra canones & decreta præſulum Romanorum vel bonos mores, nullius ſunt momenti.* Diſtinct. 10. c. 4.

for its preeminence, in these words, *Constitutions against the Canons and Decrees of the* Roman *Bishops are of no moment.* Their best Authors (*r*) are positive in it, and our own Country affords us Instances of it. The Statutes of *Provisoes*, and others of like nature, made in the Reigns of *Edward* the First, *Edward* the Third, *Richard* the Second, and *Henry* the Fourth, for the relief of the Nation against Papal Incroachments: They were defeated by the Popes Authority, and in effect repealed, there being no effectual Execution of them till *Henry* the Eighth's time. And if the Pope (the Throne being once at his Devotion) should appear against any Statutes or Provisions made for our security, as Pope *Martin* (*s*) the Fifth did against the Statutes of *Edward* the Third, and *Edward* the Second, that would be enough to null them as to the Consciences of *Roman* Catholicks; or to lay them asleep, and render them ineffectual to the purposes they are designed for.

We may see hereby what Laws made now, for our Security will signifie, when such a Successor is in possession.

Upon the whole, our danger as to all our concerns, *Civil* and *Religious*, is very apparent, and looks upon us with such a terrible *Aspect*, as scarce any true Protestant can fully view it without Horrour and Trembling. Our *Estates*, *Lives*, and *Souls* are in extreme hazard, and what have we more? That which will not secure us is discernable by the Premises; what expedient may be effectual to rescue us and our Posterity, who with us and all that is dear to both, are now in the very Jaws of Destruction, is humbly left to the Wisdom of the Nation in *Parliament*.

(r) *Victoria relect. pag. Navar. Manual. c. 7. n. 1. Fumus v. lex. n. 7. Bonacina. Tom. 2. Disp. 1. Q. 1 punct. 4. n. 17. Diana. Sum. v. inquisitor. n. 10.* after *Barbosa* and others.

(s) *Burnet* Hist. Reformation, *page* 110.

FINIS.

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